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Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 3.15 p.m.

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/57/134, A/57/138, A/57/140, A/57/182, A/57/205, A/57/205/Add.1, A/57/274, A/57/275, A/57/277, A/57/283, A/57/311, A/57/311/Add.1, A/57/323, A/57/356, A/57/357, A/57/369, A/57/371, A/57/384, A/57/385, A/57/394, A/57/446, A/57/458-S/2002/1125, A/57/484 and A/C.3/57/7)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/57/230, A/57/284, A/57/290 and A/57/290/Corr.1, A/57/292, A/57/309, A/57/325, A/57/326, A/57/345, A/57/349, A/57/366 and A/57/366/Add.1, A/57/433, A/57/437 and A/C.3/57/5)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/57/36 and A/57/446)

1. **Mr. Ziegler** (Special Rapporteur of the Commission on Human Rights on the right to food), introducing his report (A/57/356) stressed the right of all human beings to access to an adequate food supply which was in keeping with their culture and traditions. Yet 36 million people died every year from hunger, a situation akin to murder because the planet could meet the food needs of double its current population. He deeply regretted that virtually no heads of State or Government from the industrialized world had been present at the World Food Summit in June 2002 and that the goal of reducing poverty by half would not be met before the year 2030. In many regions, such as Palestine, the situation was worsening and despite successes in countries such as Bangladesh and Cuba, hunger was endemic. Worldwide the more than 815 million people suffered from chronic hunger and malnourishment.

2. Despite the tremendous delay in realizing the right to food worldwide, he welcomed the establishment at the World Food Summit of a working group to further develop voluntary guidelines on the right to adequate food. In that context he deplored the fact that the total budget of the Food and Agriculture Organization of the United Nations, $349 million per year, was only 1/1000th of the total amount of northern industrialized countries' subsidies for farm exports.

3. Turning to the issue of agrarian reform, he hoped that his reports would serve as a catalyst to shape national legislation, international public law and the actions of non-State actors in promoting agrarian reform. Of the 1.2 billion people in the world living on less than $1 a day, 75 per cent lived in rural areas, which meant that those who lived closest to the land tragically were those who suffered the most from hunger. The 500 million rural poor living in abject poverty suffered the most because of a lack of productive land, because most of them were tenant farmers who were exploited by the landowners, in particular in South Asia, the Far East and Latin America and because many were migrant or landless workers.

4. Access to land and agrarian reform were therefore essential to eliminate hunger. He noted that, in Brazil, 56 per cent of arable land was in the hands of only 2 per cent of the population and pointed out that wherever agrarian reform had been properly implemented, such as in China, Cuba, Thailand, Japan and the Republic of Korea, the food needs of the population had rapidly been met, whereas in areas where reforms had been unsuccessful, often due to the opposition of landowners, there was hunger, malnutrition, famine and death.

5. He did not agree with the position of some neo-liberal countries prominent in the Bretton Woods institutions and the World Trade Organization which were advocates of free market, privatization and a unified global capitalist system as a means to end poverty and hunger. In countries where the International Monetary Fund had imposed structural adjustment plans, malnutrition had in fact increased because States were encouraged to focus on production of cash crops for export in order to obtain foreign exchange with which to pay down their debt. He noted however the important role which United Nations system agencies continued to play in meeting the needs of the developing world and stressed the role that the Committee must also play. In order to overcome the tragic indifference to hunger and malnutrition, the international community must move not towards a free market, unbridled neo-liberal system, but rather towards a system which stressed rights such as the right to food and a normative environment which protected those rights.

6. **Mr. Fonseca** (Brazil) reaffirmed his Government's commitment to full cooperation with all the special procedures of the Commission on Human Rights and to concerted action for the promotion of human rights. During his visit in March 2002, for example, the Special Rapporteur had enjoyed unrestricted access to all levels of government and civil society. Between 1990 and 2000, the percentage of Brazil's population living below the poverty line and therefore unable to meet their basic nutritional needs had dropped from 21 to 13 per cent, a figure which, although still too high, represented great progress. His Government, while still facing many of the difficulties common to developing countries, had made food security a priority and, in cooperation with civil society, was making every effort to guarantee the right to food for everyone and improve the standard of living, including through innovative programmes such as a school lunch voucher programme.

7. Turning to the area of agrarian reform and property rights, he noted the major reforms instituted beginning in 1995. Traditionally, rural land was concentrated in relatively few hands and it required persistent action to dismantle that unfair system. There had been fewer illegal actions in recent years; new legislation discouraged illegal occupations and other initiatives had led to a significant reduction in violence related to rural land issues. The Constitution recognized property rights and the social function of property. The improvement in the rural land situation in recent years was proof of the success of possibly the most comprehensive agrarian reform programme ever implemented by a democracy in peacetime. He expressed the hope that the Special Rapporteur's mission report would reflect his Government's comments. Such reports promoted agrarian reform and the right to food at the international and national levels. His delegation would continue to work constructively with international partners to ensure that peoples everywhere in the world enjoyed the fundamental right to food.

8. **Mr. Chowdhury** (Bangladesh) said the right to food and food security was not just a policy choice but was also a legal obligation. The Special Rapporteur had rightly noted Bangladesh's success in becoming self-sufficient in food through the use of innovative methods and programmes begun at the grass-roots level. His delegation would be happy to share its experience, for example during a dialogue at the next session of the Commission on Human Rights, and encouraged the Special Rapporteur to serve as a conduit for sharing best practices.

9. **Mr. Amorós Núñez** (Cuba), referring to the working group established to develop the voluntary guidelines on the right to adequate food, said that such guidelines were an important step in codification of that right and asked for more information on that matter. He also requested further information on the distinction made in the report (para. 45) between the right to food and food security.

10. **Mr. Konfourou** (Mali) wondered whether the Special Rapporteur had given any thought to the serious effect that climate variations had on agriculture. He also noted that the focus of international financial institutions on encouraging developing countries to cultivate cash crops for export caused problems. Developing countries often found themselves in a situation where the terms of trade were unfavourable, with the prices of their export crops set by external factors at levels below that required to ensure a decent living for producers.

11. **Ms. Elisha** (Benin), noting that the Special Rapporteur had said that, in the past, structural adjustment programmes had contributed to poverty in the developing world, wondered whether he felt that the emphasis in recent years on poverty reduction strategies was more effective and in fact a step forward.

12. **Mr. Ziegler** (Special Rapporteur on the right to food) said that the report on his visit to Brazil was being prepared and would be submitted to the Commission on Human Rights at its fifty-ninth session. The President Elect of Brazil had made it clear that one of his priorities would be to end hunger in the country. He had also just returned from a visit to Bangladesh and would submit his report to the Commission's forthcoming session. Bangladesh had made extraordinary progress: between 1996 and 2001 it had achieved food self-sufficiency.

13. Food security was a political goal, but the right to food, as a human right, gave each individual the right to demand measures that ensured access to food. Such countries as Cuba and South Africa had enshrined that right in their constitutions, and the Secretary-General would like to see it become universal. At the 2002 Rome Summit, a code of conduct intended to lead to a guarantee of the right to food had been proposed, but it had been rejected by the majority of parties. He did not see that as a major defeat, however, as an open-ended

working group had been established to work out guidelines in that area. In response to the representatives of Mali and Benin, the least developed countries must come up with debt reduction strategies indicating how they planned to use the funds thus freed up in their countries. He agreed that the terms of trade were a key factor in the economies of commodity exporting countries.

14. **Mr. Vienravi** (Thailand) said that, against the backdrop of the progress made since the World Conference on Human Rights, terrorism had become an even more pressing concern. No cause could justify terrorism, but fear must not lead to the use of violence to counter violence. Human rights, the rule of law and democratic values must not be sacrificed. Because human rights were inclusive, Thailand supported the elaboration of the draft convention on the rights of persons with disabilities. His country subscribed to the right to development and believed that the individual must be at the centre of human rights and development efforts. Its Government had been working to strengthen participation and awareness at the grass-roots level.

15. Although the law in Thailand permitted the death penalty, his Government had always ensured due process with maximum safeguards in its exercise. A death sentence had never been imposed on anyone under age 18, but to ensure compliance with its international obligations, the Penal Code was being amended to prohibit imposition of a death sentence on persons under 18. The public wished to retain the death penalty as a crime deterrent and to protect the rights of crime victims and their families.

16. The primary responsibility for the protection of human rights lay with the State; therefore the international community must assist States in their endeavours to protect the rights of their citizens while respecting their social and cultural values. Best practices must be shared in a spirit of understanding and cooperation. National efforts could be complemented by cooperation at the regional level, and, to that end, Thailand would host the ASEAN Workshop on the Regional Mechanism on Human Rights in 2003. The United Nations could be of assistance by sharing experience from other regions.

17. Lastly, the tenth anniversary of the World Conference on Human Rights would be observed in 2003; it was therefore very important for the international community to be resolute in upholding the universal and indivisible values of human rights and fundamental freedoms.

18. **Mr. Siv** (United States of America) said that the Special Rapporteur was aware that some 14 million people were facing starvation in southern Africa. Since the beginning of the year, the United States had pledged over a half million metric tons of food to meet the crisis. The food, mostly corn, came from its stocks and was identical to the food which Americans ate every day. He was also aware that some countries in southern Africa had raised questions about the safety or environmental risk of that corn because it contained biotechnology corn. Of course, the corn met all United States standards for safety, which were the most rigorous in the world. The grain in question had been consumed by millions of Americans, Canadians, Australians, South Africans and others all over the world for years, with not one known case of any apparent ill effect.

19. Earlier in the year, the Secretary-General had requested United Nations agencies to review their policies on biotech food aid. In August 2002, the Director-General of the World Health Organization had told a meeting of African health ministers that those foods were no less safe for people in Africa than they were for people who ate them in other parts of the world. She had stressed that their Governments must consider carefully the severe and immediate consequences of limiting the food aid made available to the millions of people desperately in need. In a joint statement, the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO) and the World Food Programme (WFP) had concluded that, based on national information from a number of sources and current scientific knowledge, the consumption of genetically modified food being provided as food aid in southern Africa was not likely to present a human health risk. The European Union had made a statement reiterating that finding.

20. Yet in October, the Special Rapporteur had said that he would put the views of non-governmental organizations claiming that humans were at risk if they consumed that food over a period of time before the views of WHO. In the face of imminent famine in southern Africa, with hundreds of thousands of tons of donated American corn arriving in port in the region, he had stated that there was absolutely no justification to produce genetically modified food except the profit

motive and the domination of multinational corporations. To the millions starving in southern Africa, he had given the message that there was plenty of natural, normal good food in the world to nourish the double of humanity.

21. The mandate of the Special Rapporteur on the right to food was to establish cooperation with Governments, intergovernmental organizations, in particular FAO, and non-governmental organizations, on the promotion and effective implementation of the right to food, and to make appropriate recommendations on its realization. Instead, he had called on Governments to starve their people by denying them access to the only food currently available to them. He had used his office to challenge the food offered by the American people to avert the scourge of famine and to encourage Governments to deny food to their hungry citizens. By ignoring both science and the policies of the United Nations, he bore responsibility for placing millions in greater peril. Actions had consequences, and his actions could cause people to die.

22. **Mr. Ziegler** (Special Rapporteur on the right to food), in response to the statement made by the representative of the United States, said that a press conference in Geneva on 15 October 2001 had given rise to a number of misunderstandings. He had never had any doubts as to the generosity of the United States, since it had consistently funded up to 80 per cent of the initiatives implemented by the World Food Programme, which was currently working to alleviate the crisis in southern Africa. It was totally ridiculous to assert that he accepted the fact that people were dying of hunger in southern Africa. He was just as deeply concerned as anyone else about the tragedy unfolding in that region. It was true that a number of African Heads of State had objected to donations of genetically modified food made by the United States to the World Food Programme. Sovereign States were entitled to express their opinions on that question, but as Special Rapporteur it was not his role to take sides.

23. However, an African journalist had asked his opinion about the concerns of African Heads of State and he had answered in his personal capacity: He was personally opposed to the use of genetically modified organisms because the scientific community remained deeply divided on that question. Until the majority of scientific evidence suggested that genetically modified crops were harmless, he would follow the European Union's practice of employing the principle of precaution.

24. He had consulted with civil society and non-governmental organizations on the question of genetically modified crops and voiced their concerns at the United Nations because it was part of his mandate, established in resolution 2000/10 of the Commission on Human Rights, to do so. With regard to the assertion that there was sufficient non-genetically-modified food available in the world to feed everyone, he was simply repeating the words of Jacques Diouf, Director-General of the Food and Agriculture Organization. He drew attention to the dependency on multinational companies which would be created by the widespread use of genetically modified foods. It was normal practice for private companies to operate on the basis of profit maximization and they were therefore justified in demanding annual payment for the supply of seeds. According to World Bank statistics, 75 per cent of the poorest people on the planet were peasants, and he believed that dependence on multinationals would exacerbate their poverty.

25. **Mr. Siv** (United States) said that his delegation's statement still stood. He asked the Special Rapporteur whether he would advise people to eat genetically modified food if death from starvation was imminent.

26. **Mr. Ziegler** (Special Rapporteur on the right to food) said that, if his wife and children were dying of hunger, he would certainly give them any available food to keep them alive. However, with regard to the economic, medical and public health problems associated with genetically modified foods, he did not share the view of the representative of the United States and maintained his adherence to the principle of precaution.

27. **Mr. Valdivieso** (Colombia) said that he welcomed and supported the decision of the High Commissioner for Human Rights to focus on the strengthening of the rule of law. States were the guarantors of the promotion, protection and exercise of human rights and, with that in mind, the Colombian Government was devoting priority attention to developing a policy on democratic security in order to restore the rule of law throughout the country. He emphasized that human rights should be a unifying thread running through Colombian society, and informed the Committee that Government bodies responsible for the promotion and protection of those rights were currently assessing policies, programmes and institutions with a view to effectively fulfilling

their obligations and making full use of the resources available to them.

28. His delegation condemned all human rights violations and breaches of international humanitarian law in Colombia, particularly the crimes committed by guerrillas and armed forces. The Government strongly rejected the isolated cases in which certain authorities had collaborated with armed groups and stressed that this was in no way accepted institutional practice. There had been a significant increase in the number of arrests of members of armed groups, but much remained to be done in terms of convincing their supporters that insurgence posed a serious threat to democracy. The Colombian armed forces were endeavouring to continue the process of professionalization within the framework of respect for the principles of international humanitarian law. There was widespread understanding that security could not be provided at the expense of institutional legitimacy. His Government recognized the essential contribution of human rights defenders to the strengthening of democracy in Colombia and condemned all threats and attacks to which they had been subjected, classifying them as affronts to democracy.

29. Armed conflict in Colombia had led to the forced displacement of thousands of people, mainly women and children. The authorities were collaborating with the Office of the High Commissioner for Refugees and various non-governmental organizations to implement measures to deal with the problem. He reiterated his country's commitment to improve its human rights situation, as evidenced by the special agreements concluded by the Government with various international organizations working in that area. The Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on violence against women had already visited Colombia and invitations had been extended to other high-ranking officials. His delegation welcomed recommendations made by the international human rights monitoring mechanisms and was continuing to engage in dialogue with civil society, but reserved the right to disagree with unfounded value-judgements.

30. **Mr. Han** Sung Il (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that he wished to respond to the statement made earlier that day by the representative of Japan. It was a historic fact that, over the centuries, Japan had invaded the Korean peninsula countless times and had committed crimes against humanity, including massacring one million Korean citizens and subjecting over 200,000 women and teenagers to sexual slavery, during its most recent illegal military occupation. Furthermore, Japan had stubbornly attempted to evade acknowledgement of those crimes for 50 years and had consistently pursued hostile policies against the Democratic People's Republic of Korea.

31. Prompted by the desire to normalize diplomatic relations between the two countries and to achieve peace and stability, his Government had decided to sign the Pyongyang Declaration in September 2002. The main point of the Declaration was to provide Japan with an opportunity to settle its past crimes, but it was currently acting contrary to the letter and spirit of that Declaration, having breached the provisions relating to home visits by Japanese nationals residing in the Democratic People's Republic of Korea. Consequently, his country was compelled to seriously examine the state of relations between the two States, and he advised the representative of Japan to have a proper comprehension of the meaning of the Declaration and to be faithful to its implementation.

32. **Ms. Saiga** (Japan), speaking in exercise of the right of reply, said that the Pyongyang summit had represented a significant step in the efforts to resolve the issues relating to the abductions of Japanese nationals. Although the leader of the Democratic People's Republic of Korea had admitted and apologized for the abduction of Japanese nationals, a myriad of issues remained unresolved. With regard to the five victims who had returned to Japan, she called on that country to take steps to ensure the safety of their families in Pyongyang and to make provisions to reunite them in Japan as soon as possible. With respect to those people still missing, she once again urged the Democratic People's Republic of Korea to disclose all relevant information and hoped that its Government would respond sincerely and act in the spirit of the Pyongyang Declaration.

33. **Mr. Han** Sung Il (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that there was no need to argue about unresolved issues in the Third Committee: they could be discussed in bilateral talks, the success of which would depend on the attitude of Japan.

The meeting rose at 4.40 p.m.